

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS MALBRO,

Defendant.

Case No. 23-CR-77-17-JPS

ORDER

On April 25, 2023 the Government filed a forty-three count Indictment in which Defendant Marcus Malbro (“Defendant”) was charged in two counts with violating 18 U.S.C. §§ 1341, 1349, and 2(a). ECF No. 1. On May 28, 2024, the parties filed a plea agreement indicating that Defendant would plead guilty to Count One in the Indictment, with the Government to move to dismiss the remaining count as to Defendant at the time of sentencing. ECF No. 401.

The parties appeared before Magistrate Judge Stephen C. Dries on July 10, 2024 to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. ECF No. 471. Defendant entered a plea of guilty as to Count One in the Indictment. *Id.* After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Judge Dries determined that the guilty plea was knowing and voluntary, and that the offenses charged were supported by an independent factual basis containing each of the essential elements of the offenses. *Id.*

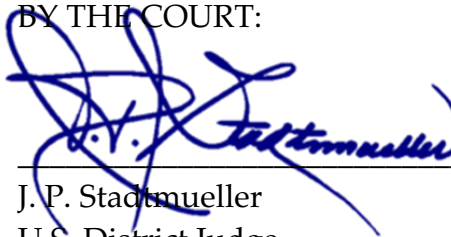
The same day, Magistrate Judge Dries filed a Report and Recommendation with this Court, recommending that: (1) Defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) Defendant be adjudicated guilty and have a sentence imposed accordingly. ECF No. 472. Pursuant to General Local Rule 72(c), 28 U.S.C. § 636(b)(1)(B), and Federal Rule of Criminal Procedure 59(b), the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. *Id.* at 1–2. To date, no party has filed such an objection. The Court has considered Magistrate Judge Dries's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

IT IS ORDERED that Magistrate Judge Stephen C. Dries's Report and Recommendation, ECF No. 472, be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 29th day of July, 2024.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "J. P. Stadtmueller", is written over a horizontal line.

J. P. Stadtmueller
U.S. District Judge